

REMARKS

As a result of this Amendment, claims 1-16 are now pending in this case. Claim 6 is amended herein and new claims 12-16 are added. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

This amendment is responsive to the Office Action mailed February 28, 2003. In the Office Action, Claims 6-10 were rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 4, 5 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roger (US 6,081,071, hereinafter "Roger") in view of Young (US 6,489,719 hereinafter "Young"). Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Roger in view of Young in further view of Bernius (US 6,383,664 hereinafter "Bernius"). Claims 6-10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

CLAIM AMENDMENTS

Applicant cancels claim 2 and adds new claim 12 which is claim 2 rewritten in independent form.

Applicant amends claims 3-5 to depend from claim 1, rather than claim 2.

Applicant has amended claim 6 to set forth where the trench is located relative to sealing case. Support for this amendment is found in FIG. 3 and is provided in the specification in, among other places, page 8, line 18 to page 9, line 8.

In response to the Examiner's object, claim 6 is also amended to be rewritten in independent form and is now allowable.

Applicant has added new claims 12-16. As discussed above, claim 12 is claim 2 rewritten into independent form. New claims 13-15 depend from claim 12 and are equivalent to old claims 3-5. Claim 16 is claim 11 written to depend from claim 12.

Applicant submits that no new matter has been added.

REJECTION UNDER 35 U.S.C. § 112

Claim 6 has been amended to distinctly claim that the trench is in an inner wall of the sealing case. The language "in position to the luminescent device" has been removed as the trench is not required to be in any particular position relative to the luminescent device as long as it is on an inner of the sealing case. Applicants respectfully request the Examiner to withdraw this rejection.

REJECTION UNDER 35 U.S.C. § 103(a) OF CLAIM 1

In order to establish *prima facie* obviousness under 35 U.S.C. 103(a), three basic criteria must be met, namely: (1) there must be some suggestion or motivation to combine the references or modify the reference teaching; (2) there must be a reasonable expectation of success; and (3) the reference or references when combined must teach or suggest each claim limitation. Applicants submit that the Office Action failed to state a *prima facie* case of obviousness, and therefore the burden has not properly shifted to Applicants to present evidence of nonobviousness.

As cited in claim 1, an organic electro-luminescence (EL) element has a glass substrate having a luminescent device on an inner surface and a sealing case bonded to the rim of the glass substrate to form an airtight space. Also, a drying layer is formed on a rim of the inner surface of the glass substrate, and a sealing layer is formed on the rim of the inner surface of the glass substrate, in which the sealing layer surrounds the drying layer. It is clear that **one loop of the sealing layer and one loop of the drying layer are provided on the rim of inner surface of the glass substrate, thus achieving good precision in the packaging procedure and lowering process cost.**

Roger teaches an EL device having two loops of seals 22 and 23 and two loops desiccants 30 and 31. See col.3 lines 17-33, col.4 lines 7-15 and Fig.2. The desiccant and/or inert fluorocarbon liquid 30 is disposed between the first seal 22 and the second seal 23. Also, the desiccant and/or inert fluorocarbon liquid 31 is disposed inboard of the seal 23.

However, Roger does not teach or suggest that the two seals 22 and 23 and the two desiccants 30 and 31 can be replaced by a combination of one loop of seal and one loop of desiccant. It is applicant's view that the two loops of the seals 22 and 23 are required for fixing

the area for the desiccant and/or inert fluorocarbon liquid 30. Also, the pressing precision between the apparatus 10 and the cover 11 is poor because the viscosity, hardness and fluidity of the seals 22 and 23 are different from those of the desiccants 30 and 31. In comparison, one loop of the sealing layer and one loop of the drying layer recited in claim 1 of the present invention can provide superior precision in packaging and lower process cost, which are distinct advantages from Roger's EL device.

Young discloses an organic EL device with a sealing material 9. However, Young does not teach or suggest that the sealing material 9 can be replaced by a combination of one loop of seal and one loop of desiccant. Nor does Young indicate that the sealing material 9 will work if used as a loop of material.

Furthermore, Young does not disclose a drying layer as claimed. Young discloses an organic sealing material comprising inorganic materials. Young clearly states that the presence of inorganic particles "effectively increases the diffusion path length for moisture." Young, Col. 3, lines 8-9. For example, Young explicitly states, "FIG. 3 shows an organic sealing material comprising inorganic particles 31. Such particles increase the diffusion resistance." Young, Col. 5, lines 14-16. Just because Young discusses using some of the same chemicals, does not mean that the resulting composite material performs in the same manner. Young's sealing material, while containing inorganic particles, is not a desiccant or a drying material. Even if Young's material reduced the diffusion to zero, it would not be drying - only impermeable. Young simply does not disclose a material that can be used as a drying layer as required in claim 1.

As neither Roger nor Young, when taken alone or in combination, teach all the limitations of claim 1, it is Applicants' belief that claim 1 of the present invention is allowable over the citations. Insofar as amended claims 3-5, and claim 11 depend from claim 1, it is Applicants' belief that these claims are also allowable.

REJECTION UNDER 35 U.S.C. § 103(a) OF ORIGINAL CLAIM 2 (NOW NEW CLAIM 12)

New claim 12 is original claim 2 rewritten in independent form. Similarly, claims 13-15 are original claims 3-5. As such, the Examiner has already examined these claims.

In addition to the arguments given above, with regard to the Examiner's rejection of claim 2 (now new claim 12) Young certainly does not disclose a material with "absorption of moisture, oxygen, and impurities" as claimed. Young discloses only a material that reduces the diffusion of moisture through the material. There no discussion whatsoever of an "absorption of moisture, oxygen, and impurities." In fact, the words "absorption," "absorb," "dry," and "desiccant" do not appear anywhere in Young. Young simply does not disclose, teach or suggest such a material. To read such a teaching into Young is to use impermissible hindsight based on the Applicants' disclosure. Young's material simply does not absorb. Even were Young's material to reduce the diffusion to 0, it would not be absorbent - it would be impermeable.

Therefore, Young does not anticipate claim 12 as it does not disclose a material with absorption of moisture, oxygen, and impurities. The Applicants respectfully request that the Examiner withdraw this rejection and find claims 12, and therefore its dependent claims 13-16, in a condition for allowance.

CONCLUSION

In light of the foregoing remarks, it is believed that the application is in condition for allowance and thus prompt allowance is respectfully solicited. Should the Examiner have any remaining questions, he is encouraged to contact the undersigned attorney at the telephone number below to expeditiously resolve such concerns. Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

Date

5/28/03



George C. Lewis, Reg. No. 53,214
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(303) 357-1644
(303) 357-1641 (fax)